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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,483	10/08/1999	MEHO KARALIC	247P1US	3348

20577 7590 04/19/2006

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CANADA

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/414,483

Applicant(s)

KARALIC, MEHO

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 47-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53-62 is/are allowed.
- 6) ☒ Claim(s) 47-50 is/are rejected.
- 7) ☒ Claim(s) 51-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

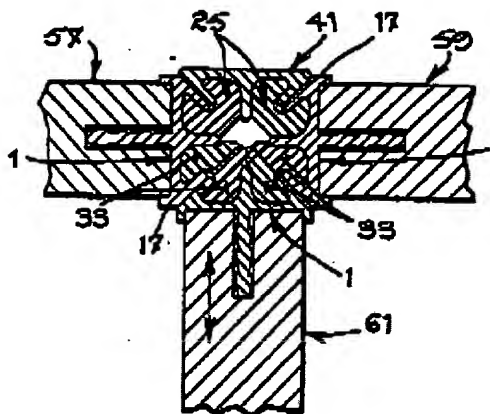
### ***Withdrawal of Allowable Subject Matter***

The indicated allowability of claims 47- 50 is withdrawn in view of the newly discovered reference(s) to DOYON et al. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,676,038 to DOYON et al. in view of US Patent #5,647,687 to ROBINSON et al. DOYON et al. discloses the use of a building structure (a cabinet) including a vertical length (43,61) and a horizontal length (57,59) in combination with a metal, column 1, line 64, connectors (1,41); wherein the connector (1,41) when assembled form an intermediate box-shape having opposing vertical side walls (S), a horizontal top (T), and a horizontal bottom wall (B), see below. The vertical side walls (S) include a horizontal flange (19) and the horizontal top wall (T) includes a vertical flange (19) see figure 7. The vertical (43,61) and horizontal lengths (57,59) are connected at right angles and into longitudinal abutment and face-to-face contact with the horizontal top walls (T) and the vertical side walls (S); respectively. DOYON et al. discloses the basic claimed structure except for the vertical and horizontal lengths being lumber. DOYON is silent regarding the material of his vertical and horizontal lengths; however, he does disclose that his members are used to make cabinets. Although, it is old and very well



known in the art to form cabinets out of wood, ROBINSON et al. teaches that it is known in the art to connect vertical (106) and horizontal (102) lengths of lumber, column 3, lines 1-2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure member of DOYON et al. with the lumber lengths of ROBINSON et al. in order to have a structural member that is durable and that is aesthetically pleasing. Wood members used in building cabinetry are common for use in kitchens and coordinate well with ceramic floors, vinyl floors and wood floors. Regarding claim 48, DOYON et al. discloses the use of a pair of flanges (19) each one extending from respective mid-sections of the side walls (S). In reference to claims 49 and 50, the vertical flange (19) in figure 7 projects from a mid-section of the top wall (T).

#### ***Allowable Subject Matter***


Claims 51 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 53-62 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
YMH  
4/10/06